

Key Elements of the Draft Recodification Statutes

This draft document is a conceptual layout of the proposed reorganization of chapters 79.90, 79.91, 79.92, 79.93, 79.94, 79.95, 79.96, 79.97, and 79.100. The proposed chapter numbers shown (79.105, 79.110, etc.) are fictitious. Actual chapter and section numbers will be assigned by the Code Reviser's Office once a bill has been signed into law. This conceptual layout facilitates public review and documentation of source language. Once content has been finalized, the DNR will draft a bill to bring these recommended changes to the legislature.

Chapter 43.30, Department of Natural Resources, will have one section on the role of the Board of Natural Resources as state Harbor Line Commission moved from 79.90.

Chapter 79.90, Aquatic Lands -- In General, will be renumbered as 79.105 and have thirty-two (32) sections moved to other chapters. Two definitions sections will be merged and basic definitions for "tidelands" and "shorelands" created. Two sections with multiple topics will be split to create two new single-topic sections. One section on easements will be split to create a new section on public utility lines in 79.110. One section on unauthorized improvements will be duplicated and moved to from 79.94 to 79.105. One section on abstracts of state owned lands will be deleted, as it is covered in 79.02.200. The changes will consolidate law dealing with the general duties of the DNR in managing state-owned aquatic lands. It will be organized in six parts, with rewording in sections to modernize language and correct grammar. Remaining sections will be internally rearranged for better organization.

Chapter 79.91, Aquatic Lands – Easements and Rights of Way, will be renumbered as 79.110 and have two sections on easements moved from 79.90. It will be organized in four parts, with rewording in sections.

Chapter 79.92, Aquatic Lands – Harbor Areas, will be renumbered and have one section on improvements and one section on the harbor line commission moved from 79.90. It will be organized in two parts, with rewording in sections.

Chapter 79.93, Aquatic Lands – Waterways and Streets, will be renumbered as 79.120 and have one outdated section on records deleted, with rewording in remaining sections.

Chapter 79.94, Aquatic Lands – Tidelands and Shorelands, will be renumbered as 79.125 and have sixteen (16) sections on sale procedure moved from 79.90. One section on surveys will be deleted, as it is covered in proposed 79.125. Sections will be internally rearranged for better organization. It will be organized in six parts, with rewording in sections.

Chapter 79.95, Aquatic Lands – Beds of Navigable Waters, will be renumbered as 79.130 and have one section on exchange of bedlands moved from 79.90, with rewording in sections.

Chapter 79.96, Aquatic Lands – Oysters, Geoducks, Shellfish, Other Aquacultural Uses, and Marine Aquatic Plants will be renumbered 79.135, and will have two sections moved from 79.90 dealing with Bush Act/Callow Act and with aquaculture rents. Sections will be internally rearranged for better organization. It will be organized in five parts, with rewording in sections.

Chapter 79.97, Marine Plastic Debris will be renumbered 79.145, and will have rewording in sections.

A new chapter, 79.140, Valuable Materials, will be added with law that applies to the sale of valuable materials. Ten (10) sections on sale of valuable materials will be moved from 79.90. Ten (10) new on sale procedures will be created, duplicating sections in 79.90. It will be organized in two parts, with rewording in sections.

Chapter 79.100, Derelict Vessels, will not be changed.

Many section captions (which are not part of the law) have been revised to focus on one subject. Reviewers should check these and recommend any suggested changes.

Gender. RCW 44.04.210 requires that all statutes adopted after July 1, 1983, should be written in gender-neutral terms unless a specification of gender is intended. Where noted in the revision process, amendments have been written in a gender-neutral format.

This proposed recodification will require the DNR to subsequently update WAC 332-30. Changes may range from simply updating the statutory authority reference to incorporating text changes for consistency. Most of these changes could be addressed under expedited rule-making. Such guidance revision will require additional DNR staff effort once the Legislature passes any recodification bill.